

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAFORT ODOM : CIVIL ACTION
:
v. :
:
OFFICER EUGENE DONAHUE, :
PHILADELPHIA POLICE DEPT., et al.: NO. 12-6838

M E M O R A N D U M

PRATTER, J. FEBRUARY , 2013

Plaintiff, Rafort Odom, a prisoner, has filed a pro se 42 U.S.C. § 1983 civil rights complaint and an amended complaint against a Philadelphia Police Officer, the First Judicial District of the Commonwealth of Pennsylvania and a private citizen. For the following reasons, his complaint and amended complaint will be dismissed pursuant to 28 U.S.C. § 1915(e).

Plaintiff's complaint deals with his arrest and imprisonment, and his criminal proceedings. Because plaintiff's criminal case is ongoing, this Court, in deference to the principles of comity and federalism, will not interfere in the state criminal process absent a showing of irreparable injury, a flagrant and patent violation of an express constitutional prohibition, or other extraordinary circumstances warranting equitable relief. Younger v. Harris, 401 U.S. 37, 53-54 (1971). None of the facts alleged by Mr. Odom meet these threshold requirements.

Furthermore, it appears that Mr. Odom is seeking release from incarceration. Such a request may only be brought in a petition for a writ of habeas corpus, not a § 1983 action. Preiser v. Rodriguez, 411 U.S. 475 (1973).